

participated in a non-binding ADR procedure that has failed to resolve the underlying dispute will be recused from further participation in the matter unless the parties expressly agree otherwise in writing and the Board concurs. Further, the recused Neutral will not discuss the merits of the dispute or substantive matters involved in the ADR proceedings with other Board personnel.

5. Written material prepared specifically for use in an ADR proceeding, oral presentations made at an ADR proceeding, and all discussions in connection with such proceedings between the parties and the Neutral are confidential and, unless otherwise specifically agreed by the parties, inadmissible as evidence in any pending or future Board proceeding involving the parties or matter in dispute. However, evidence otherwise admissible before the Board is not rendered inadmissible because of its use in the ADR proceeding.

6. The ADR method and the procedures and requirements implementing the ADR method will be prescribed by the written agreement of the parties and approved by the Board. ADR methods can be used successfully at any stage of the litigation.

7. The following are examples of ADR methods commonly used at the Board:

(a) *Nonbinding*—

Mediations: A Neutral is an Administrative Judge who will not normally hear or have any formal or informal decision-making authority in the matter and who is appointed for the purpose of facilitating settlement. In many circumstances, settlement can be fostered by a frank, in-depth discussion of the strengths and weaknesses of each party's position with the Neutral. The agenda for meetings with the Neutral will be flexible to accommodate the requirements of the case. To further the settlement effort, the Neutral may meet with the parties either jointly or individually. A Neutral's recommendations are not binding on the parties. When this method is selected, the ADR agreement must contain a provision in which the parties and counsel agree not to subpoena the Neutral in any legal action or administrative proceeding of any kind to produce any notes or documents related to the ADR proceeding or to testify concerning any such notes or documents or concerning his/her thoughts or impressions.

(b) *Binding*—

Summary Proceeding With Binding Decision: A summary proceeding with binding decision is a procedure whereby the resolution of the appeal is expedited and the parties try their appeal informally before an Administrative Judge. A binding "bench" decision may be issued upon conclusion of the proceeding, or a binding summary written decision will be issued by the judge no later than ten days following the later of conclusion of the proceeding or receipt of a transcript. The

parties must agree in the ADR agreement that all decisions, rulings, and orders by the Board under this method shall be final, conclusive, not appealable, and may not be set aside, except for fraud. All such decisions, rulings, and orders will have no precedential value. Pre-hearing, hearing, and post-hearing procedures and rules applicable to appeals generally will be modified or eliminated to expedite resolution of the appeal.

(c) *Other Agreed Methods*—

The parties and the Board may agree upon other informal methods, binding or non-binding that are structured and tailored to suit the requirements of the individual case.

8. The above-listed ADR procedures are intended to shorten and simplify the Board's more formalized procedures. Generally, if the parties resolve their dispute by agreement, they benefit in terms of cost and time savings and maintenance or restoration of amicable relations. The Board will not view the parties' participation in ADR proceedings as a sign of weakness. Any method adopted for dispute resolution depends upon both parties having a firm, good faith commitment to resolve their differences. Absent such intention, the best structured dispute resolution procedure is unlikely to be successful.

[56 FR 36572, July 31, 1991, as amended at 58 FR 37868, July 14, 1993; 65 FR 39707, June 27, 2000; 75 FR 14095, Mar. 24, 2010; 76 FR 27275, May 11, 2011; 76 FR 76321, Dec. 7, 2011; 79 FR 42216, July 21, 2014]

APPENDIXES B–E TO CHAPTER 2
[RESERVED]

APPENDIX F TO CHAPTER 2—MATERIAL
INSPECTION AND RECEIVING REPORT

Part 1—Introduction
Sec.

- F-101 General.
- F-102 Applicability.
- F-103 Use.
- F-104 Application.

Part 2—Contract Quality Assurance On Shipments Between Contractors
F-201 Procedures.

Part 3—Preparation of the Wide Area Workflow Receiving Report (WAWF RR)

- F-301 Preparation instructions.
- F-302 Mode/method of shipment codes.
- F-303 Consolidated shipments.
- F-304 Correction instructions.
- F-305 Invoice instructions.
- F-306 Packing list instructions.
- F-307 Receiving instructions.

Part 4—Preparation of the DD Form 250 and DD Form 250C

- F-401 Preparation instructions.
- F-402 Mode/method of shipment codes.
- F-403 Consolidated shipments.
- F-404 Multiple consignee instructions.